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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,705	05/10/2006	Simon Klippe	22353EUS	3688
60/708	7590	10/07/2008	EXAMINER	
FOR: TYCO FIRE & BUILDING PRODUCTS			CHAN, KO HUNG	
PROSKAUER ROSE LLP			ART UNIT	PAPER NUMBER
1001 Pennsylvania Avenue, NW				3632
Suite 400 South				
Washington, DC 20004-2533				
MAIL DATE		DELIVERY MODE		
10/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,705	<b>Applicant(s)</b> KLIPPEL ET AL.
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 16 May 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-20 is/are allowed.

6) Claim(s) 21-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

##### ***Claim Rejections - 35 USC § 102***

Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Leeuwen et al (US patent no. 6,012,691). Van Leeuwen discloses a clamp component (42, figure 5), comprising: a base (60, figure 7) having opposing first and second ends; a first sidewall (61) having an end engaging the first end of the base; a second sidewall (62) having an end engaging the second end of the base, the second sidewall having a surface that is parallel to a surface of the first sidewall, the second sidewall having an inner edge defining a slot (71) extending through the second sidewall; and a tab (73) engaging another end of the first sidewall, the tab having a surface that is parallel to a surface of the base (figure 7); the tab disposed at a first distance from the base, the slot extending from a second distance from the base to a third distance from the base, the first distance being between the second and third distances.

Claims 21 and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Welch (US patent no. 3,368,782). Regarding claim 21, Welch discloses a clamp comprising two identical mating clamp portions (27 and 37) forming the clamp, each clamp portion having a base (The surface as shown in figure 2 at lead line of 37), and first side wall (the surface including serration 47) and second sidewall (the surface with 25 or 35 opposite the surface with serration 47) disposed orthogonally to the base, the

first sidewall having a tab (39) extending orthogonally therefrom, and the second sidewall having an edge (such as 42 lead line) defininge slot (28) therethrough, the slot of one of the clamp portions adapted to receive the tab from the other one of the clamp portions.

Regarding claims 24-26, Welch disclose a clamp, comprising: a first clamp component (37) having a first tab (39) and a first sidewall (37) defining a first slot (38) extending therethrough; and a second clamp component (27) having a second tab (29) and a second sidewall (27) defining a second slot (42) extending therethrough, the first clamp component engaging the second clamp component by slidably mating the first tab with the second slot and the second tab with the first slot; the first tab (39) having a planar surface (43) intersecting a space disposed within the first slot (38); the first tab having a planar surface (surface of 39 extending out from the wall 37 towards clamp piece 27) that is orthogonal to a planar surface of the first sidewall.

Regarding claim 27, Welch discloses a method of clamping a structure, comprising: moving first and second clamp portions (27 and 37) relative to each other to move a first contact surface (33) of the first clamp portion towards a second contact surface (23) of the second clamp portion to cause the first and second contact surfaces to engage the structure; and during the moving of the first and second clamp portions, moving a first tab (39) extending from a first sidewall of the first clamp portion in a direction towards a second tab (29) extending from a second sidewall of the second clamp portion, the first tab extending through a second slot (42) defined by the second sidewall and the second tab (29) extending through a first slot (38) defined by the first

sidewall. Regarding claim 28, Welch discloses a method of clamping a structure, comprising: moving first and second clamp bases (27 and 37) towards each other to move a first contact surface (33) engaging the first clamp base towards a second contact surface (23) engaging the second clamp base to cause the first and second contact surfaces to engage the structure, during the moving of the first and second clamp bases, moving a first tab (39) engaging the first clamp base towards a second tab (29) engaging the second clamp base, the first and second tabs and first and second clamp bases each defined by walls having wall surfaces that are parallel to each other.

Claims 1-20 are allowed.

***Response to Arguments***

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571)272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/  
Primary Examiner  
Art Unit 3632

khc  
Oct. 1, 2008